

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BM SHIPPING CO. LTD.,

Plaintiff,

-v-

SUN EXPRESS CORPORATION,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/30/09

No. 08 Civ. 2349 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of Plaintiff's October 27, 2009 letter, which requests a three-week extension of the October 30, 2009 deadline to submit a letter "explaining why the *ex parte* order for Process of Maritime Attachment and Garnishment and any attachments effectuated pursuant to that order should not be vacated, and accordingly, why this case should not be dismissed." Plaintiff's counsel represents that the Second Circuit's recent decision in *Shipping Corporation of India v. Jaldhi Overseas Pte Ltd.*, ____ F.3d ___, No. 08 Civ. 3477, 2009 WL 3319675 (2d Cir. Oct. 16, 2009), creates potential positional conflicts for attorneys at its firm that will take time to resolve. The Court is also in receipt of Defendant's October 28, 2009 opposition to that request, and Plaintiff's reply thereto.

The Court is sympathetic to Defendant's desire to have the attachments of its funds vacated as quickly as possible. The Court also notes, however, that the funds have been restrained since March 2008, and that Defendant has not provided any reason, other than a general desire for expeditious vacature, for opposing the extension. Under the unusual circumstances created by *Jaldhi's* sudden change to the law, the Court concludes that a three-week extension is warranted. Accordingly, and pursuant to the recommendation of the Judicial Improvements Committee of this District, Plaintiff's

request is hereby GRANTED, and Plaintiff shall submit its letter by November 20, 2009. The letter shall also briefly set forth what property was attached in this matter, how it was attached, and the location of the attached property at present. No further extensions shall be granted.

SO ORDERED.

Dated: October 28, 2009
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE